

ORDER BELOW EXH.23

Perused application and say. Heard Both the sides.

2. This is discharge application filed by accused/applicant Vishal Sudhirkumar Jha. Charge-sheet is filed against him and co-accused under Sections 153(a), 153(b), 295(a), 354(d), 509, 500, 120(b), 201 read with Section 34 of Indian Penal Code (IPC) and read with Section 67 of Information Technology Act.

3. This application is opposed by Ld. APP as well as I.O.

4. The ground on which discharge is sought is that, no offence, at all, made out against the present applicant even if charge-sheet is read as it is against him. It is therefore, submitted that, accused is innocent and liable to be discharged. It is argued that, the only allegations against the present applicant is that, he followed the alleged Bullibai App and nothing else.

5. The advocate appearing on his behalf argued at length, cited following judgments-

Sr. No.	Citations
1	Mohd. Imran Kazi Vs. State of U.P. and Ors., MANU/UP/4270/2023 (Allahabad High Court)
2	Ram Prakash Chadha Vs. State of U.P., (2024) 10 Supreme Court Cases 651

6. I have gone through the above cited cases. Hon'ble Allahabad Hight Court held that, 'only following' is not offence under I.T. Act. Hon'ble Supreme Court, in reference to Section 227 of Cr.P.C., held that, if there is sufficient ground to proceed with trial, the court can frame

charge against the accused, and if not, then court is bound to discharge the accused.

7. On the other hand, I.O. submitted that, the accused were in contact with each other. The accused shared the ideology with each other. One of the accused created Bullibai App and other co-accused not only followed it, but also, shared it on their Twitter account. It is therefore, they are also liable for prosecution.

8. On having gone through the charge-sheet and the documents on record, the prosecution case in nutshell is as under-

It is alleged that, Bullibai App was created by accused Niraj Bishnoi. The said App was containing the photographs of 100 plus Muslim women, they were intent to auction. One of the friend of informant when opened the Bullibai App which was, launched on 'github.com' website, she saw the photographs of informant. She informed to the informant that, her photograph is displayed on that App for auction. It is therefore, when informant opened the Bullibai App, she saw her photographs displayed on said App for the purpose of auction. She saw that, the co-accused including the present applicant has shared said App on their Twitter accounts. It is therefore, she lodged the F.I.R. with Cyber police and police registered C.R. No.01/2022 for the offences under above mentioned sections.

9. During the investigation all the accused were arrested. Thorough investigation was done by the I.O. and role of each accused has been specifically described in charge-sheet. So far as, the role of present applicant is concerned, it is stated that, the present applicant was in contact with co-accused. He shared and followed the Bullibai App.

10. On having gone through the charge-sheet and documents submitted with it and personally verifying with the I.O., who was present at the hearing, as to show that, the present applicant has shared Bullibai App in the entire charge-sheet. The I.O. could not show it that the applicant has shared Bullibai App on Twitter account as alleged by the informant. The only role, therefore, remained attributing the present applicant is that, he followed the Bullibai App. It is informed to the court that, very soon after launching the said App, the said App was removed. Now, there is no record to show applicant shared Bullibai App on his Twitter handle. So, admittedly, the role of the present applicant is that, he followed the Bullibai App and he was in contact with the co-accused. In the case cited Supra, the Hon'ble Allahabad High Court held that, following the page on website is not an offence. In the present case, the applicant followed Bullibai App. There is no further role attributed by the prosecution against him. So, following the App in view of above mentioned judgment is not an offence.

11. So far as, the allegation of the prosecution that, applicant was in contact with the co-accused, does not *ipso facto* make him liable for the act of co-accused. On having gone through the connection in between the present applicant and the co-accused, there is no sharing anything in respect of the present crime. Their contact shows that, they are familiar to each other, but, there is nothing to see involvement of present applicant directly in creating the Bullibai App. May be the applicant has followed Bullibai App due to his familiarity with the co-accused and contact with them, but, in entire charge-sheet there is no further role of the present applicant which would show that, he either created said App or the help co-accused in creating it. Even there is no allegation that, he shared photographs of Muslim women with the main accused Niraj Bishnoi. So, mere following the App will not constitute the offence as alleged by the prosecution. Hence, considering the above

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facts, I do not think charge can be framed against the present applicant. Hence, present applicant/accused is liable to be discharged. I proceed to pass following order-

ORDER

1	Application is allowed.
2	Accused Vishal Sudhirkumar Jha is discharged from the offence under Sections 153(a), 153(b), 295(a), 354(d), 509, 500, 120(b), 201 read with Section 34 of Indian Penal Code (IPC) and read with Section 67 of Information Technology Act.



Digitally signed
by RAJU
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Date:
2026.10.06
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MUMBAI

(R. T. Ingle)

DATE – 06.10.2026

J.M.F.C., 12TH COURT, BANDRA, MUMBAI